

REMARKS

By the present amendment, the specification has been amended to insert section headings and claim 2 has been amended to insert “to” between “as” and “have” on line 2.

Further, claim 1 has been amended to recite a combination of features from original claims 3 and 6, i.e., that the gap for the structural element is between (i) a resilient portion of the wall of the casing and (ii) the vibratory means, and claim 1 has also been amended to recite that the casing is generally U-shaped in longitudinal cross-section.

Accordingly, claims 3 and 6 have been canceled and claim 8 has been amended to depend on claim 1 instead of claim 6.

Additional support for the added recitations is found in the original application, in particular the Figures and accompanying description.

Claims 1-2, 4-5, and 7-14 are pending in the present application. Claim 1 is the only independent claim.

I. **Objection to the IDS**

In the Office Action, the Information Disclosure Statement (IDS) filed with the application is objected to.

The IDS was filed to list the documents cited in the International Search Report (ISR) prepared by the European Patent Office (EPO). It is believed that copies of the ISR documents are forwarded directly by the EPO to the USPTO. However, in order to expedite prosecution of this application, the IDS is resubmitted with copies of the listed documents. Consideration of the ISR and listed documents is respectfully requested.

In view of the above, it is submitted that the objection should be withdrawn.

II. Objections to the specification and claims

In the Office Action, the specification is objected to as lacking section headings.

Also, in the Office Action, claim 2 is objected to as lacking the word “to” between “as” and “have” on line 2.

The specification and claim 2 have been amended as suggested in the Office Action. Accordingly, it is submitted that the objections should be withdrawn.

III. Art rejections

In the Office Action, claims 1-10 are rejected under 35 U.S.C. 102(e) as anticipated by US 2005/0171458A1 to Luden (“Luden”).

Further, claims 11-12 are rejected under 35 U.S.C. 103(a) as obvious over Luden in view of US 5,927,056 to Renehan (“Renehan”), and claims 13-14 are rejected under 35 U.S.C. 103(a) as obvious over US 6,669,291 to Hsiao (“Hsiao”) in view of Luden.

Reconsideration and withdrawal of the rejections is respectfully requested. It is submitted that Luden concerns a vibrating arm to be mounted on a chair so as to produce vibrations accompanying, for example, music or a film played on a computer. The vibrator is mounted at one end of the arm and the other end of the arm has a clamp for mounting on a leg of the chair. Luden mentions some resilience in the arm (and clamp) material in order to transmit vibrations.

Thus, the disclosure in Luden is very remote from the present invention in its purpose and in its embodiments.

In particular, in the presently claimed invention, the vibratory means are disposed in a generally U-shaped casing and the gap is located between (i) a resilient portion of a wall of said casing forming the resilient element and (ii) the vibratory means, as recited in present claim 1. An advantage of this feature is that the casing can be easily supported on a wire by clamping while ensuring a good transmission of vibrations, as discussed for example in the present specification at pages 4-5 (in reference to the illustration of Figs. 3-5).

In contrast, in Luden, there is a gap between (i) the free end of an arm 16 protruding from a wall 10 of the vibrator enclosure and (ii) an additional jaw member 24 rotatably mounted at the end of the arm (42 being a channel on this jaw member 24). Namely, the jaws 22-24 are provided on the arm 16 to attach the vibrator to a seat through the arm 16. Thus, the attachment mode of the vibrator in Luden is very different from the presently claimed invention. As a result, Luden taken alone or in any combination with the other cited references fails to teach or suggest the presently claimed invention.

In addition, with respect to the dependent claims, it is submitted that the cited references fail to teach or suggest the combined features of these respective claims. Therefore, each of the dependent claims is not obvious over Luden taken alone or in any combination with the other cited references.

In view of the above, it is submitted that the rejections should be withdrawn.

Conclusion

In conclusion, the invention as presently claimed is patentable. It is believed that the claims are in allowable condition and a notice to that effect is earnestly requested.

Amendment
US Appl. No. **10/598,699**
Attorney Docket No. **PSA0450497**

In the event there is, in the Examiner's opinion, any outstanding issue and such issue may be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of the response period. Please charge the fee for such extension and any other fees which may be required to our Deposit Account No. 502759.

Respectfully submitted,

/nicolas seckel/

Nicolas E. Seckel
Attorney for Applicants
Registration No. 44,373

Nicolas E. Seckel
Patent Attorney
1250 Connecticut Avenue NW Suite 700
Washington, DC 20036
Tel: (202) 669-5169
Fax: (202) 822-1257
Customer No.: 29980
NES/rep